

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR Thursday, March 24, 2011.

John Clapp, Chair, called to order the regular meeting of the Frederick County Board of Appeals ("Board") for Thursday, March 24, 2011 at 7:00 p.m. in the 1st Floor Hearing Room in Winchester Hall. Present were Al Duke, Sean Michalski, Carole Jaar Sepe and Brad RR Dyjak. Also present were Michael Chomel, Senior Assistant County Attorney, and Planning Division staff Larry Smith, Zoning Administrator, and Craig Terry, Planner, and Erica Cooke, Recording Secretary.

Official Minutes of the Board of Appeals' meetings are kept on file in the Planning Division.

Mr. Clapp stated the rules and procedures for the hearing and swore in all persons who expected to testify at the meeting.

Approval of Minutes

On a motion from Mr. Duke, seconded by Mr. Michalski, the Board reopened the previously approved minutes from December 20, 2010 to correct the record of attendance to include Al Duke as he attested to being present. (Yeas – 4; Nays – 0; Abstain –1, Dyjak)

On a motion from Mr. Duke, seconded by Mr. Dyjak, the Board unanimously approved the February 24, 2011 minutes.

Cases

B-09-15 T-Mobile c/o Greg Rapisarda and Erin Maheridis, Attys.

A request for Reconsideration was filed relative to the Board's granting of the special exception request in response to the Federal Court ruling in the case to erect a 150 ft. high unipole/telecommunications tower and a 25 ft. x 40 ft. equipment compound at base, located on the east side of South Mountain Road, approximately 1,000 ft. north of Ash Drive (Tax Map 91, Parcel 9), Zoned Agricultural)

The request for Reconsideration was denied for lack of a motion from the Board.

B-11-01 Constellation Energy Project & Services Group Inc. c/o Miles & Stockbridge

A request for special exception was filed to establish a non-governmental utility operated photovoltaic solar farm per Zoning Ordinance sections 1-19-5.310, 1-19-8.210, and 1-19-8.339, located on the west side of Old Frederick Road at the intersection of College Lane (Tax Map 8, Parcel 48), Zoned Institutional/Agricultural.

On a motion from Mr. Michalski, seconded by Mr. Duke, the Board unanimously moved to continue the case to the April 28, 2011 hearing, requesting the Applicant provide documentation to justify financial proprietary or contractual intent and interest in the property and to allow the Historic Preservation Commission to review and provide comments relative to the application per Ordinance Section 1-19-8.339(H)(3).

Additional Issue

The Board discussed a matter relative to applications filed by Liberty Towers, LLC, requesting special exception approval of a monopole/communications tower, located on the west side of

There was consensus among the Board that new material is required to be submitted as the interested parties deem appropriate and requested Staff to inform Mr. Rice of the Board's decision.

Respectfully submitted
Erica Cooke
Recording Secretary

/s/

John R. Clapp, Chair